IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TEXARKANA DIVISION

DONNY RAY WELCH	§
v.	§ CIVIL ACTION NO. 5:11cv20
DAWN GROUNDS, ET AL.	§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE ON PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Donny Welch, an inmate of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Welch filed a motion for injunctive relief concerning the conditions of confinement at the Telford Unit, asserting that officials at the Telford Unit were retaliating against him and failing to protect him from gangs. He asked that he be placed in safekeeping or transferred to another unit.

On May 23, 2012, the Magistrate Judge issued a Report recommending that the motion for injunctive relief be denied as moot. The Magistrate Judge observed that Welch had been transferred to the McConnell Unit, rendering his claims for injunctive relief at the Telford Unit moot.

Welch filed objections to the Magistrate Judge's Report on June 11, 2012. In his objections, Welch states that high ranking TDCJ officials, including the Executive Director, were made aware of the dangers he faced, and just because he has been transferred to another unit, this does not eliminate these dangers. He asserts that he is still in danger at the McConnell Unit.

As the Magistrate Judge correctly observed, Welch's transfer away from the Telford Unit

renders his claims for injunctive relief at the Telford Unit moot. Rocky v. King, 900 F.2d 864, 867

(5th Cir. 1990); Gillespie v. Crawford, 858 F.2d 1101, 1102 (5th Cir. 1988). Any claims which he

may have concerning conditions at the McConnell Unit are a separate cause of action; furthermore,

the relief which Welch seeks in his motion for injunctive relief, a transfer away from the Telford

Unit, has already been provided. Welch's objections are without merit.

The Court has conducted a careful de novo review of the pleadings in this cause, including

the Plaintiff's motion for a preliminary injunction, the Report of the Magistrate Judge, and the

Plaintiff's objections thereto. Upon such de novo review, the Court has determined that the Report

of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is

accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 23) is ADOPTED as the

opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for a preliminary injunction (docket no. 10) is

DENIED as moot.

It is SO ORDERED.

SIGNED this 1st day of August, 2012.

MICHAEL H. SCHNEIDER

UNITED STATES DISTRICT JUDGE

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